



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
06/816,838	01/07/86	FERNANDO	

CUSHMAN, DARBY AND CUSHMAN  
1615 L STREET, N.W.,  
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EXAMINER	
SHADDELL	
ART UNIT	PAPER NUMBER
3-225	10

DATE MAILED: 09/10/87

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined  Responsive to communication filed on 7-6-87  This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), — days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1.  Notice of References Cited by Examiner, PTO-892.
2.  Notice re Patent Drawing, PTO-948.
3.  Notice of Art Cited by Applicant, PTO-1449
4.  Notice of Informal Patent Application, Form PTO-152
5.  Information on How to Effect Drawing Changes, PTO-1474
6.

Part II SUMMARY OF ACTION

1.  Claims 10-13 are pending in the application.

Of the above, claims — are withdrawn from consideration.

2.  Claims — have been cancelled.

3.  Claims — are allowed.

4.  Claims 10-13 are rejected.

5.  Claims — are objected to.

6.  Claims — are subject to restriction or election requirement.

7.  This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.

8.  Allowable subject matter having been indicated, formal drawings are required in response to this Office action.

9.  The corrected or substitute drawings have been received on —. These drawings are  acceptable;  not acceptable (see explanation).

10.  The  proposed drawing correction and/or the  proposed additional or substitute sheet(s) of drawings, filed on — has (have) been  approved by the examiner.  disapproved by the examiner (see explanation).

11.  The proposed drawing correction, filed —, has been  approved.  disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections **MUST** be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.

12.  Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has  been received  not been received  been filed in parent application, serial no. —; filed on —

13.  Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14.  Other

Art Unit 125

The rejections under 35 USC 112 and 35 USC 102 are no longer applicable.

The 1977 and 1978 Thrombosis Research articles are no longer applied.

The expressions "more particularly" and "and following" in claim 10 should be deleted. In claim 12, "an effective amount" should follow "containing" in line 2. The expression "lightly" in item 11 of claim 11 should be "slightly".

The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 10 to 13 are rejected under 35 U.S.C. 103 as being unpatentable over the British patent and Hladovec et al in view of Nader et al, Waldman et al and Thrombosis for reasons of record. The remarks regarding the therapeutic action of the product herein

Art Unit 125

being modified are not persuasive since unmodified fragments are used without further changes. From page 4 (lines 13-18) of the specification, it is noted that the instant fragments are old and well known in the art. The British patent relates to the sulfating of fractions from the mother liquids of heparin purification process. The remarks regarding the British patent not mentioning antithrombotic activity do not remove the relevancy of the reference since heparin activity is taught. Heparin activity embraces both anticoagulant activity and anti-thrombotic activity. The remarks regarding the British patent teaching that the process therein ~~is~~ is unsuitable for the problem solved by applicants' invention are not persuasive since (1) the problem that applicants allude to is not clear, (2) the claims are not directed to treating thrombosis and (3) the claimed compositions are obvious for the old uses for heparin.

The remarks regarding the other prior art are since nothing unexpected has not persuasive/been demonstrated employing the claimed sulfated fractions instead of the sulfated fraction of the prior art to treat thrombosis.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). The practice of automatically extending the shortened statutory period an additional month upon the filing of a timely first response to a final rejection has been discontinued by the Office. See 1021 TMOG 35.

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Art Unit 125

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CFR 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication should be directed to Examiner F. Waddell at telephone number 703-557-3920.

WADDELL/wgb

9/5/87

  
FREDERICK E. WADDELL  
EXAMINER  
GROUP ART UNIT 125